

**Pennsylvania Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)
Steering Committee
December 13, 2017 Meeting Minutes
Approved:**

Members Present:

Name	Agency
Patrick McDonnell	Department of Environmental Protection
Cindy Dunn	Department of Conservation and Natural Resources
Sara Nicholas, Alternate	
Karl Brown	State Conservation Commission
Brion Johnson	Pennvest
Andrew Dehoff	Susquehanna River Basin Commission (SRBC)
Andrew Gavin, Alternate	
Marel King, Alternate (via webinar)	Chesapeake Bay Commission
Matt Keefer	Forestry Workgroup Co-Chair
Katie Ombalski	Forestry Workgroup Co-Chair
Doug Goodlander	Agriculture Workgroup Co-Chair
Greg Hostetter	Agriculture Workgroup Co-Chair
Matt Royer	Agriculture Workgroup Co-Chair
John Bell	Agriculture Workgroup Co-Chair
Lisa Schaefer	Local Planning Goals Co-Chair
Davitt Woodwell	Local Planning Goals Co-Chair
Steve Taglang	Local Planning Goals Co-Chair
John Brosious	Wastewater Workgroup Co-Chair
Jay Patel	Wastewater Workgroup Co-Chair
Felicia Dell	Stormwater Workgroup Co-Chair
Sean Furjanic	Stormwater Workgroup Co-Chair

Other Attendees:

Federal Agencies:

Rich Batiuk, EPA Chesapeake Bay Program Office
Mike Langland, US Geological Survey
Curtis Schrefkler, US Geological Survey
Suzanne Trevena, EPA Region 3 (via webinar)

DEP:

Katie Hetherington-Cunfer	Hayley Jeffords
Nicki Kasi	Deb Klenotic (via webinar)
Lee McDonnell	LeAnn Murray
Natahnee Shrawder	Ted Tesler
Jill Whitcomb	

Other State Agencies:

Bonnie McCann, PDA (via webinar)
Kelly O'Donnell, PDA
Sam Robinson, Governor's Office (via webinar)
Teddi Stark, DCNR

Other Governmental Agencies:

Tyler Shenk, Susquehanna River Basin Commission

Other: (list is incomplete. Some of the sign in sheets were missing)

Seung Ah Byun, Brandywine Conservancy (via webinar)
Thomas Au, Sierra Club – PA Chapter (via webinar)
Dave Barner (via webinar)
Mark Bowen, NTM Engineering (via webinar)
Paul Bruder, Rhoads and Sinon
Harry Campbell, Chesapeake Bay Foundation
Jason Childs, Potter County Conservation District
Ben Dannels, Greenlee Partners
Jennifer Handke, Consulting with a Purpose (via webinar)
Michael Hanes, (via webinar)
Steven Hann, Hamburg, Rubin, Mullin, Maxwell & Lupin, P. C. (via webinar)
David Hess, Crisci Associates (via webinar)
Amanda John Kimsey, National Parks Conservation Assn. (via webinar)
Kristen Kyler, Penn State
Donna Morelli, Bay Journal (via webinar)
Leslie Pappas, Bloomberg Law (via webinar)
John Seitz, York County Planning
Martin Siegel, Stock and Leader (via webinar)
Mark Spatz, HRG (via webinar)
Joe Sweeney, Water Science Institute
Roger Varner, Ecology and Environment, Inc. (via webinar)
Sarah Xenophon, Penn State
Marjorie Zeff, AECOM (via webinar)

Welcome and Introductions – Patrick McDonnell, Secretary, DEP

Secretary McDonnell opened the meeting at 9:00 am.

Midpoint Assessment Overview – Secretary McDonnell, Nicki Kasi

Secretary McDonnell and Nicki provided an overview of the decisions the Bay Program Partnership Principal Staff Committer would be asked to make at their two-day meeting in Maryland on December 19-20. It was emphasized that this is the start of a process, that the numbers to be presented today are early drafts, that this isn't the end nor are these numbers final. Secretary McDonnell asked Rich Batiuk from the EPA Chesapeake Bay Program Office to join the discussion to answer questions and provide clarification where needed. These decisions can be summarized as follows:

- Phase 6 Modeling Tools -- Accept the Water Quality Goal Implementation Team (WQGIT) recommendation to approve the adoption of the Partnership's Phase 6 suite of modeling tools for use in the development of the planning targets, the development and implementation of the Phase 3 WIPs and two-year milestones through 2025.
- Assimilative Capacity of the Chesapeake Bay -- Accept the recommendations of the WQGIT to:
 - a) Define the revised assimilative capacity for nutrients of the Chesapeake Bay, or the amount of pollutant loading the Bay can absorb and still achieve water quality standards, as 195 million pounds of nitrogen and 13.7 million pounds of phosphorus. The assimilative capacity for sediment will be calculated based on the suite of best management practices identified by the states in their Phase 3 WIPs plus 10%.
 - b) Maryland needs to update water quality standards regulations for restoration variances. EPA will need to review and approve these. These updates include changing the variance percentage for two segments and removing the variance for two others.
- Draft Proposed Planning Targets – Approve the draft planning targets as the starting point for the Partnership's four-month review process. Pennsylvania's Planning Targets are such that the level of effort may be a little less than was established for Phase 3. However, the additive loads for Sector Growth and Conowingo Dam will counter this.
- Review Process of Planning Targets – Approve the proposed process for the four-month review of the planning targets, including the addressing of special case requests. These requests would be due March 16, 2018.
- Sector Growth -- Accept the WQGIT recommendations to:
 - a) Use 2025 growth projections (Current Zoning + animal numbers and crop mix) as base conditions for the Phase III WIPs.
 - This approach explicitly accounts for growth in the Phase III WIPs.
 - States can use 2017 (current) as a baseline and run the Phase III WIPs on 2025 growth projections to understand what's changing in each source sector as a result of forecasted growth.
 - This current baseline will help inform the description in the Phase III WIPs of the policies, BMPs and/or programs in place to address that growth.
 - b) Update the growth projections every 2 years with the best available data to inform the development of the two-year milestones.
 - Allows for adaptive management to changing growth patterns and trends as we approach 2025.
 - Need to be clear about what new data has been incorporated into the projections on this two-year basis, and what has changed as a result of incorporating this new data.
- Climate Change -- Accept the following recommendations from the WQGIT for addressing climate change by adopting a dual approach as follows:
 - a) Adopt a programmatic approach to address climate change:
 1. Include a narrative strategy in the Phase III WIPs that describes the jurisdictions' current action plans and strategies to address climate change, as well as the

- (*jurisdiction-specific*) nutrient pollutant loadings due to 2025 climate change conditions (derived using the planning targets methodology)
2. Incorporate local priorities (e.g., flooding) and actions to address climate change impacts
 3. Document the current understanding of the science and identify the research gaps and needs, and what we hope to learn over time given the current state of uncertainty (e.g., a better understanding of the BMP responses, including new or other emerging BMPs, to climate change conditions)
 4. Identify a date by which the Partnership will provide additional science and information to help inform implementation efforts to address climate change (early 2021 to inform 2022-2023 milestones?)
- b) Document and communicate additional nutrient pollutant loads of up to 9 million pounds of nitrogen and 0.5 million pounds of phosphorus due to 2025 climate change conditions.
1. Continue to understand the nature and effect of climate change impacts in the watershed and estuary to inform management strategies (e.g., WIP/2-year milestones)
 2. By [insert date], develop recommendations for new and/or refined methods and modeling techniques to better assess projected impacts on watershed loads and estuarine impacts for a range of future scenarios, including the methodology used to develop jurisdiction-specific nutrient pollutant loads due to 2025 climate change impacts
 3. By [insert date], consider results of updated methods, techniques, and studies and revisit whether to explicitly account for those additional nutrient pollutant loads due to 2025 climate change conditions in the Phase III WIPs and/or 2-year milestones
 4. Identify a date (post-2025) by which the Partnership will fully address the additional nutrient pollutant loads in a Phase III WIP addendum and/or 2-year milestones
- c) Provide the jurisdictions with the flexibility to explicitly account for additional nutrient pollutant loadings due to 2025 climate change impacts in their Phase III WIPs and/or two-year milestones prior to the Partnership agreed-upon date.
- Conowingo Dam – Accept the recommendation of the WQGIT for the following strawman:
 - a) This strawman recognizes that all jurisdictions have benefited from the Conowingo reservoir pollution trapping in the assignment of past allocations but recognizes there is a less costly approach than requiring reductions by all jurisdictions. (Basically, this is a combination of the “Entire Watershed” and the “Effective Basins” option.)
 - b) Develop a separate implementation plan, which is a partnership collaboration to address the additional reductions needed as a result of infill. Address impacts in a way that makes the most scientific and economic sense, and supports those that can reduce pollution more effectively.
 - c) Create a separate pot of pooled resources from all the jurisdictions. This pool would be managed (both in terms of allocation of funds and verification / tracking of reductions) by a third party under partnership oversight. The pooling of resources and implementation would be phased in over time as appropriate.
 - d) Necessary next steps include:
 1. Reach consensus on the approach.
 2. PSC sends a letter to Exelon.

3. Develop the separate implementation plan. (The proposal for the development of this plan is to create a group with one representative from each state in the partnership, EPA and Exelon. There may be others identified as well.)
4. Determine the role of Exelon in plan implementation based on Maryland's decisions regarding 401 certification.
5. Finalize plan and determine gaps and contingencies.
6. Begin plan implementation.
7. Evaluate, as is currently done with the milestones, the effectiveness and progress of the plan on an annual basis
8. Reevaluate the plan and make any necessary corrections based on jurisdictional WIP implementation and any other factors that might influence plan success.

Comments and feedback from members include:

- The calibration of the model to actual monitoring data is remarkable, probably the best example nationally. There is a close simulation between what is being simulated by the suite of modeling tools and actual climate, hydrology and monitoring data.
- The level of effort for each of the states is the result of a better understanding of Chesapeake Bay and local water quality. There is also a better understanding of the effectiveness of the practices implemented and better methodology for the simulation of implementation of these practices.
- Sediment's only impact is on the amount of sunlight available for submerged aquatic vegetation. Based on the scientific understanding today, by addressing nitrogen and phosphorus, the amount of sediment will also be reduced. This is why the focus now is to develop planning targets for only nitrogen and phosphorus.
- The proposed assimilative capacity will result in violation of Maryland's water quality standards for dissolved oxygen in the deep channel 6% of the time. This is why a restoration variance is needed to recognize the impact of current activities in the watershed where the attainment of water quality standards is not feasible or possible.
- The level of effort for the most effective basin is approximately 70% of E3 (Everybody does Everything Everywhere), the least is 52%.
- Four months may not be realistic to review the planning targets if this review has to result in a final product that cannot be adjusted. It was recognized that how these targets are addressed within the state can be adjusted every two years as part of the two-year milestone development process.
- The decision-making process around the accounting for growth requirement has some serious ramifications. The Steering Committee needs a much better understanding of how the data sets for this were created and how the scenario options will be created.
- The Chesapeake Bay Program Partnership recognizes that changing conditions in the watershed are already occurring due to climate change. These changes cannot be ignored. Consideration of these impacts needs to go beyond 2025. The state agencies are already putting programs and plans in place. These need to be described and accounted for within the Phase 3 WIP.
- More clarification is needed as to what the separate plan for Conowingo will look like and how entities will be held accountable for implementation. While the proposed framework is a good start, the details are going to matter. Right now, execution of this concept is still a

little vague. Consideration of how Pennsylvania accounts for implementation of this plan and the Phase 3 WIP for the state is another key factor moving forward.

Action Items: Nicki will work with Rich Batiuk to schedule a presentation from experts involved in the development of the sector growth scenarios at a future Steering Committee meeting.

Public Comment

Dave Hess asked how to get a copy of the slides. Nicki responded that the full presentation will be posted on the website within the next few days.

Greg Hostetter moved to adjourn. Felicia Dell seconded. Meeting adjourned at 12:15 pm.

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